

REMARKS

The Office Action mailed May 10, 2006 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 7, 11-17 and 19-23 are now pending in this application. Claims 1-5 and 7 are allowed. Claims 11, 16, 17, 19 and 20 stand rejected. Claims 12-15 are objected to. Claims 8-10 which were withdrawn in the present Office Action have been canceled. Claims 21-23 are newly added.

The rejection of Claims 11 and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,241,668 to Carroll is respectfully traversed.

Carroll describes a suspending frame (A) for mounting containers (B) under an elongated wire tray or shelf (T). Shelf (T) includes end trusses (29) connected by longitudinally extending border wires (33). Longitudinal trusses (37) are spaced inward from the sides of shelf (T) and include an upper wire rail (39), a lower wire rail (40) and a zig-zag connecting wire (41). The suspending frame includes side beams (50) that each include upper, intermediate and lower flanges (51), (52) and (53) respectively. A hook member (58) in the form of a stepped metal plate is formed at one end of the upper flange. A retractable plunger (60) is attached at the other end of the upper flange. The hook members and retractable plungers mount the suspending frame to the shelf. Flanges (67) on the containers are slid into channels between the intermediate and lower flanges to place the container into the suspending frame. Notably, the container is supported in the suspension frame rather than on any of the wire members.

Claim 11 recites a method for assembling a refrigerator drawer assembly including “forming a pan support wire member from a continuous wire, the pan support wire member having a first side and a second side; providing a plurality of substantially identical brackets including a first bracket and a second bracket; removably coupling the first bracket to the first side in a first manner; and removably coupling the second bracket to the second side in a second manner different from the first manner”.

Carroll does not describe or suggest a method as recited in Claim 11. More specifically, Carroll does not describe or suggest forming a pan support wire member from a continuous wire, such that the continuously formed pan support wire member has first and second sides. Rather, Carroll describes a suspending frame mounted to separate wire members on separate sides of a shelf. Accordingly, for the reasons set fourth above, Claim 11 is submitted to be patentable over Carroll.

Claim 16 depends from independent Claim 11. When the recitations of Claim 16 are considered in combination with the recitations of Claim 11, Applicants submit that dependent Claim 16 likewise is patentable over Carroll.

For at least the reasons set fourth above, Applicants respectfully request that the Section 102(b) rejection of Claims 11 and 16 be withdrawn.

The rejection of Claims 17, 19, and 20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,283,038 to Kurtz is respectfully traversed.

Kurtz describes a mounting strip (11) for mounting a mirror to a wall. The strip includes a wall portion (11a), first and second flange portions (11b) and (11c) along lengthwise edges of the wall portion, first and second out-turned lip portions (11d) and (11e) on respective first and second flange portions. Fastener receiving openings (11f) are provided in one and preferably both lip portions for attaching the mounting strip to a wall. The mounting strips are provided with slots(13a) along the flange portions. The slots are elongated in a direction lengthwise of the mounting strip.

Claim 17 recites a bracket including “a sidewall; a first rail extending from said sidewall, said first rail comprising a plurality of slots sized to receive a first U-shaped member extending from a pan support wire member; and a second rail extending from said sidewall, said second rail comprising at least one of: a plurality of slots sized to receive a second U-shaped member extending from the pan support wire member; and a plurality of apertures each sized to receive a hook extending from the pan support wire member; and wherein said first and said second rails each comprise an inwardly turned lip portion”.

Kurtz does not describe or suggest a bracket as recited in Claim 17. More specifically, Kurtz does not describe or suggest a bracket including first and second rails, each having an inwardly turned lip portion. Rather Kurtz describes a mounting strip having out-turned lip portions for attaching the mounting strip to a wall. Accordingly, for the reasons set fourth above, Claim 17 is submitted to be patentable over Kurtz.

Claims 19 and 20 depends from independent Claim 17. When the recitations of Claim 19 and 20 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claim 19 and 20 likewise are patentable over Kurtz.

For at least the reasons set fourth above, Applicants respectfully request that the Section 102(b) rejection of Claims 17, 19, and 20 be withdrawn.

The rejection of Claims 17, 19, and 20 under 35 U.S.C. § 103(a) as being unpatentable over German Patent DE 296 14 997 to Kesseboehmer in view of U.S. Patent 4,967,989 to Bender and U.S. Patent 3,611,661 to Chambers is respectfully traversed.

Kesseboehmer , as best understood, describes a wire frame structure (1) having laterally projecting hooks (5) that are received in apertures (18) on a Z-shaped bracket (14). The bracket has a side wall (16), a first rail (13), and a second rail (15).

Bender describes a lift kit for raising the seat in an extended cab pick-up truck. The kit (10) includes a left bench bracket (12) and a right bench bracket (14). Each bracket includes a web portion, a bottom flange (16) having two holes (18) and a top flange (20) having two elongated holes (22).

Chambers describes an eve strut (6) and a bracket (7) to support the strut on the frame of a pre-engineered metal building. The bracket (as best shown in Figure 2) includes a flat plate-like base (10), a flat riser (11) extending upwardly normal to the base, and a gusset (12) connected to the base and the riser.

Applicants respectfully traverse the assertion in the Office Action that Chambers, in Figure 3, describes a bracket having a sidewall, rails and a lip portion. Rather, a closer reading of Chambers indicates that, rather than a bracket, Figure 3 in fact shows a cross section of the strut (6) to which the bracket (7) is attached.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. None of Kesseboehmer, Bender, or Chambers, considered alone or in combination, describe or suggest the claimed combination.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In *re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In the present case, none of Kesseboehmer, Bender, or Chambers, considered alone or in combination, describe or suggest a bracket including first and second rails, each having an inwardly turned lip portion.

“In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned.” In *re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). In the present case, Kesseboehmer, as best understood, describes brackets attached to a wire basket, Bender relates to seat brackets in a pick-up truck, while Chambers relates to a bracket for supporting an eve strut on a metal building. Applicants respectfully submit that these references neither relate to field of brackets for refrigerator pan supports, nor do they relate problem of supporting a refrigerator pan on a wire frame. Moreover, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. MPEP § 2143.01. Applicants submit that no suggestion for combining the cited references is shown. For these reasons alone, Applicants respectfully request that the Section 103 rejection be withdrawn.

Nevertheless, Claim 17 recites a bracket including “a sidewall; a first rail extending from said sidewall, said first rail comprising a plurality of slots sized to receive a first U-shaped member extending from a pan support wire member; and a second rail extending from said sidewall, said second rail comprising at least one of: a plurality of slots

sized to receive a second U-shaped member extending from the pan support wire member; and a plurality of apertures each sized to receive a hook extending from the pan support wire member; and wherein said first and said second rails each comprise an inwardly turned lip portion”.

None of Kesseboehmer, Bender, and Chambers, considered alone or in combination describe or suggest a bracket as recited in Claim 17. More specifically, none of Kesseboehmer, Bender, and Chambers, considered alone or in combination, describe or suggest a bracket including first and second rails, each having an inwardly turned lip portion. Rather Kesseboehmer describes a Z-shaped bracket with apertures in one rail. Bender describes a pick-up truck seat bracket having holes in a bottom rail and elongated holes in a top rail. Chambers describes a strut with a lip. Accordingly, for the reasons set fourth above, Claim 17 is submitted to be patentable over Kesseboehmer in view of Bender and further in view of Chambers.

Claims 19 and 20 depends from independent Claim 17. When the recitations of Claim 19 and 20 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claim 19 and 20 likewise are patentable over Kesseboehmer in view of Bender and further in view of Chambers.

For at least the reasons set fourth above, Applicants respectfully request that the Section 103(a) rejection of Claims 17, 19, and 20 be withdrawn.

The objection to Claims 12-15 is respectfully traversed. Claims 12-15 are indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 12-15 depend from independent Claim 11. Claim 11 is submitted to be in condition for allowance as indicated above. Accordingly, Claims 12-15 are submitted to be in condition for allowance. Accordingly, Applicants respectfully request that the objection to Claims 12-15 be withdrawn.

Claims 21-23 are newly added. Claim 21 recites a refrigerator drawer assembly including “a pan support comprising a continuously formed wire member having a first side and a second side; a first bracket coupled to said first side such that said first bracket

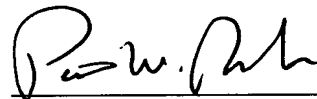
is removable without tools; and a second bracket coupled to said second side such that said second bracket is removable without tools”.

None of the art of record describes or suggests a pan support including a continuously formed wire member having a first side and a second side, a first bracket coupled to the first side such that the first bracket is removable without tools, and a second bracket coupled to the second side such that the second bracket is removable without tools. More specifically, none of the art of record describes or suggests a pan support formed from a continuously formed wire member with brackets coupled to first and second sides of the wire member. Accordingly, Applicants respectfully submit that Claims 21 is patentable over the cited art.

Claims 22 and 23 depend from independent Claim 21. When the recitations of Claims 22 and 23 are considered in combination with the recitations of Claim 21, Applicants submit that dependent Claims 22 and 23 likewise are patentable over the cited art.

In view of the foregoing amendment and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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